

Dear Senators HARTGEN, Nichols, Semmelroth, and
Representatives ANDRUS, Raymond, Mathias:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Division of Occupational and Professional Licenses - Veterinary Medicine, State of Idaho Board of: IDAPA 24.38.01 - Rules of the State of Idaho Board of Veterinary Medicine (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-3801-2301).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10/23/2023. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/20/2023.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: October 04, 2023

SUBJECT: Division of Occupational and Professional Licenses - Veterinary Medicine, State of Idaho Board of

IDAPA 24.38.01 - Rules of the State of Idaho Board of Veterinary Medicine (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-3801-2301)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses submits notice of proposed rule at IDAPA 24.38.01 - Rules of the State of Idaho Board of Veterinary Medicine. According to the division, the rulemaking is being proposed based on Executive Order 2020-01, Zero-Based Regulation. The division states that the Idaho Board of Veterinary Medicine is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The division notes that the proposed rule changes reflect a comprehensive review of the chapter by collaborating with the public to streamline or simplify the rule language in the chapter and to use plain language for better understanding. The division states that fees are not undergoing any changes.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted and there is no fiscal impact as a result of the rule.

Statutory Authority

The rulemaking appears to be authorized under sections 54-2104, 54-2105, 54-2112, 54-2115, 54-2118, 67-2614, 67-9406, and 67-9409, Idaho Code.

cc: Division of Occupational and Professional Licenses - Veterinary Medicine, State of Idaho Board of
Katie Stuart

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.38.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 24-3801-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 54-2103, 54-2104, 54-2105, 54-2112, 54-2115, 54-2118, 67-2614, 67-9406 and 67-9409, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

Thursday, September 14, 2023, 9:00 a.m. MT
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the State of Idaho Board of Veterinary Medicine is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fees for applications, licenses, and reinstatement as designated in Rule 400 of these proposed rules are authorized in Section 54-2105, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Principles of Veterinary Medical Ethics, published by the American Veterinary Medical Association (AVMA).

The ethics code cited is incorporated by reference because it would be unduly cumbersome, expensive, or otherwise inexpedient to republish all or in part. The ethics code is adopted by a nationally recognized organization or association.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Katie Stuart, Bureau Chief, at (208) 577-2489. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2023.

DATED this 4th day of August, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-3801-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.38.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 54, Chapter 21, Idaho Code. ()

001. SCOPE.

The rules govern the licensing procedures, supervision requirements, standards of practice, inspections, and grounds for discipline of veterinarians, veterinary technicians, Committee on Humane Euthanasia members, and certified euthanasia technicians and agencies. ()

002. INCORPORATION BY REFERENCE.

The most current and updated Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA), is incorporated herein by reference in accordance with the provisions of Section 67-5229, Idaho Code. ()

003. -- 099. (RESERVED)

100. LICENSURE.

01. Certification Of Veterinary Technicians. ()

a. Certificate Required. Any person representing themselves as a licensed, registered, or certified veterinary technician, shall hold a valid, unexpired certificate to practice veterinary technology in Idaho. ()

b. Application for Certification. An individual desiring to be certified as a veterinary technician shall make written application, available online, to the Board. ()

02. Foreign Veterinary Graduate. The Board may issue a license to applicants who are graduates of nonaccredited foreign colleges of veterinary medicine who possess a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates (ECFVG) or a certificate issued by the Program for the Assessment of Veterinary Education Equivalence (PAVE) as administered by the American Association of Veterinary State Boards (AAVSB). ()

03. Certified Euthanasia Agency. In order to be certified to purchase and store approved drugs, certified euthanasia agencies shall be inspected by the Board in accordance with the standards promulgated by the Committee on Humane Euthanasia and approved by the Board. The approved standards will be made available online to the public. ()

04. Certified Euthanasia Technician. ()

a. Training and Examinations. Qualifying training courses must be sponsored by or affiliated with a veterinary medicine school accredited by the AVMA or be approved by the Board. ()

05. Continuing Education. A renewing a licensee shall report fifteen (15) hours of completed continuing education to the Board. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Supervising Veterinarians: ()

a. Provide direct supervision for all procedures pertaining to the practice of veterinary medicine with the exception of: ()

i. Routine procedures in the practice of veterinary technology performed under indirect supervision of the veterinarian. ()

ii. Previously prescribed medications and vaccines, administered, dispensed, and delivered under the indirect supervision of the veterinarian. This does not include injectable controlled substances, injectable tranquilizers, injectable sedatives, and injectable or inhalant anesthetics, which may only be administered under the direct supervision of the veterinarian. ()

iii. Emergency situations in which the veterinarian, while en route to the location of the distressed animal, may prescribe treatment and delegate appropriate procedures. ()

b. Examines the patient prior to the delegation of any animal health care task. The examination shall be conducted at such times as acceptable veterinary medical practice dictates, consistent with the particular delegated animal health care task. ()

c. May delegate to a certified veterinary technician under direct supervision to perform tooth extraction procedures. ()

02. Veterinarian/Client/Patient Relationship. A veterinarian shall establish a valid veterinarian/client/patient relationship. Such relationship will exist when: ()

a. The veterinarian has assumed the responsibility for making medical judgements regarding the health of the animal and the need for medical treatment. ()

b. There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal, either by virtue of an examination of the animal, or by medically appropriate visits to the premises where the animals are maintained within a minimum of the last twelve (12) months. ()

03. Record Keeping. Every veterinarian shall maintain detailed daily medical records. Medical records shall include, at a minimum: the name, address, and phone number of the animal's owner or other caretaker; the name and description, sex (if readily determinable), breed, and age of the animal, or description of the group; dates (beginning and ending of custody of the animal; a short history of the animal's condition as it pertains to the animal's condition and diagnosis suspected; all medications, treatments, prescriptions, or prophylaxis given, including amount, frequency, and route of administration for both inpatient and outpatient care; diagnostic and laboratory tests or techniques utilized, and results of each; written documented evidence of continuous monitoring of all anesthetized animals. Records shall be readily retrievable to be inspected, duplicated, or submitted when requested by the Board. All records shall be safeguarded against loss, defacement, tampering, and use by unauthorized personnel. If changes are made to any records the records must clearly reflect what the change is, who made the change, when the change was made, and why. Records shall be maintained for a period of three (3) years following the last treatment or examination. Patient medical records shall be maintained for every animal accepted and treated as an individual patient by a veterinarian, or for every animal group (for example, herd, litter, and flock) treated by a veterinarian. ()

04. Preservation of Patient's Body. Where possible preserve for twenty-four (24) hours the body of any patient that dies while in the veterinarian's care until the owner can be contacted, except as otherwise provided by law. The time of contact or attempted contact with the owner shall be documented in the medical record. The veterinarian is allowed to use the usual manner of disposal if the owner has not made pick-up arrangements within twenty-four (24) hours of the documented contact time. ()

05. Consent for Treatment or Transporting. A veterinarian shall obtain written consent from a patient's owner or other caretaker before treating or transporting a patient to another facility for veterinary medical care or any other reason, unless circumstances qualifying as an emergency do not permit obtaining such consent. ()

06. Refusal to Render Services. A veterinarian has the right to refuse to render veterinary medical services for any reason, or refuse an owner's request to euthanize a healthy or treatable animal. ()

07. Immunization. When the primary objective is to protect the patient's health and a professionally acceptable immunization procedure is being sought, an examination is required, unless the animal has been examined within the twelve (12) months, except in the practice of large animal medicine where mass immunizations of animal herds is involved or when immunization is performed by the patient's owner. ()

08. Procurement And Administration Of Euthanasia Drugs. In order for a certified euthanasia agency to obtain approved drugs for euthanizing animals and a certified euthanasia technician to administer such drugs: ()

a. A certified euthanasia agency (CEA) shall appoint a person who will be responsible for ordering the approved drugs and who shall submit an application for the agency's registration to the Drug Enforcement Agency (DEA). The CEA shall also designate a certified euthanasia technician (CET) who will be responsible for the security of the agency's approved drugs. ()

b. Each CET employed by the agency shall apply for a controlled substance registration from the Idaho Board of Pharmacy under their individual name and using the CEA's DEA registration number. ()

09. Ownership of Medical Records. Medical records including diagnostic images are the personal property of the hospital or the proprietor of the practice that prepares them. Other veterinarians, including those providing subsequent health needs for a patient, and the patient’s owner may receive a copy of the patient’s medical record, upon the request of the patient’s owner or other caretaker. A diagnostic image shall be released upon the request of another veterinarian who has the authorization of the owner of the animal or to the Board. Records shall be supplied within three (3) business days, counting the day of the request if a business day and shall be returned within a reasonable time to the veterinarian who originally ordered them prepared. ()

201. -- 299. (RESERVED)

300. DISCIPLINE.

01. Grounds For Discipline Of Veterinary Technicians. The Board may take administrative action or other discipline against certified veterinary technicians, certified euthanasia agencies, or certified euthanasia technicians for any action that would otherwise constitute grounds for discipline for a veterinarian under any applicable provision under Section 54-2115, Idaho Code, or Section 54-2118, Idaho Code. ()

301. -- 399. (RESERVED)

400. FEE SCHEDULE.

01. Fees Are As Follows:

	New	Active Renewal	Inactive Renewal	Late/ Reinstatement	Inactive to Active Fee
Veterinary License	\$275	\$175	\$50	\$200	\$150
Certified Veterinary Technician	\$125	\$75	\$25	\$50	\$50
Certified Euthanasia Agency	\$100	\$200	-	\$50	-
Certified Euthanasia Technician	\$100	\$100	-	\$50	-
Duplicate Wall License/ Certificate	\$25				
Veterinary License Verification	\$20				

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401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

24.38.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 54, Chapter 21, Idaho Code.()

001. SCOPE.

The rules govern the licensing procedures, supervision requirements, standards of practice, inspections, and grounds

for discipline of veterinarians, veterinary technicians, Committee on Humane Euthanasia members, and certified euthanasia technicians and agencies.()

~~002. -- 004.(RESERVED)~~

~~005~~**0302.INCORPORATION BY REFERENCE.**

The most current and updated Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA), as adopted and revised April 2016, is incorporated herein by reference in accordance with the provisions of Section 67-5229, Idaho Code.()

~~006. -- 008.(RESERVED)~~

009 02. Foreign Veterinary Graduate.

~~Any graduate of a veterinary school, college or university outside that fulfills the current requirements for foreign veterinary graduates as set forth by the Educational Commission for Foreign Veterinary Graduates or the American Association of Veterinary State Boards. A graduate enrolled in the foreign graduate program would be considered a student as defined by Section 54 2104(2)(b), Idaho Code.()~~

~~01. Any graduate of an unaccredited veterinary school who has completed a curriculum of not less than four (4) academic years in a veterinary medical program approved by the Board and satisfactorily completed clinical education equivalent in purpose, content, experience and length to the clinical training received by students in an accredited veterinary medical program. Such clinical education needs to have been obtained pursuant to a formal affiliation agreement between the unaccredited veterinary school and an accredited veterinary medical program. Qualified graduates applying for licensure under Subparagraph 010.01.b.i. of these rules may be issued a probationary license to practice veterinary medicine under the professional supervision of an actively licensed Idaho veterinarian. The probationary license may be renewed for up to three (3) years by paying the current active license renewal fee established by Section 011 of these rules, provided that during this three (3)-year period, the applicant has applied to complete the evaluated clinical experience requirements of the ECFVG program. The evaluated clinical experience requirements of the ECFVG program require that the applicant, following graduation from an unaccredited veterinary medical program, has successfully passed the Clinical Proficiency Examination (CPE) approved by the ECFVG.()~~

~~02. At the end of the three (3)-year period, the Board will review the probationary license and determine whether to issue or deny a full license based on the candidate's status in the foreign graduate program. The Board may issue a license to applicants who are graduates of nonaccredited foreign colleges of veterinary medicine who possess a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates (ECFVG) or a certificate issued by the Program for the Assessment of Veterinary Education Equivalence (PAVE) as administered by the American Association of Veterinary State Boards (AAVSB). ()~~

010. CHANGE OF ADDRESS.

~~It is the responsibility of each licensed veterinarian and certified veterinary technician to notify the Board office of any change of address.()~~

100. LICENSURE.

~~011~~**400. FEE SCHEDULE.**

The Board may pro-rate application fees to accommodate a shortened licensure or certification period before the applicant's first June renewal Fees are as follows:()

01. Fee Schedule.

	New	Active Renewal	Inactive Renewal	Late/ Reinstatement	Inactive to Active Fee
Veterinary License	\$275	\$175	\$50	\$200	\$150

Certified Veterinary Technician	\$125	\$75	\$25	\$50	\$50
Certified Euthanasia Agency	\$100	\$200	-	\$50	-
Certified Euthanasia Technician	\$100	\$100	-	\$50	-
<u>Duplicate Wall License/Certificate</u>	<u>\$25</u>	=	=	=	=
<u>Veterinary License Verification</u>	<u>\$20</u>	=	=	=	=

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02. Administrative Services.

<u>Duplicate Wall License/Certificate</u>	<u>\$25</u>
<u>Veterinary License Verification</u>	<u>\$20</u>

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01205. Continuing Education.

A veterinarian and certified veterinary technician renewing a license shall report fifteen (15) hours of completed continuing education to the Board. ()

013. 099. (RESERVED)

100 01. Certification Of Veterinary Technicians.

01a. Certificate Required. Any person representing themselves as a veterinary technician, licensed veterinary technician, registered veterinary technician, or certified veterinary technician, shall hold a valid, unexpired certificate to practice veterinary technology in Idaho. ()

02b. Application for Certification ~~Contents Examinations~~. An individual desiring to be certified as a veterinary technician shall make written application, available online, to the Board upon a form furnished by the Board. A complete application is valid for a period of one (1) year, contain the applicant's notarized signature, and include: ()

a. ~~A copy of a birth certificate or current passport proving that the applicant is eighteen (18) years of age or older.~~ ()

b. Documentation of education/training/experience as follows: ()

i. ~~A certified copy of a diploma or transcript, or a letter verifying graduation from a veterinary technology program, accredited by the American Veterinary Medical Association;~~ ()

ii. ~~A certified copy of a diploma or transcript, or a letter verifying the award of a D.V.M. or V.M.D. degree or equivalent, from an accredited school of veterinary medicine; or~~ ()

iii. ~~If a foreign veterinary graduate, a letter from the Educational Commission for Foreign Veterinary Graduates (ECFVG) certifying completion of the ECFVG program or a copy of the ECFVG certificate.~~ ()

e. ~~Verification of a criterion-referenced passing score reported by the Professional Examination~~

~~Service or its designee, or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards on the Veterinary Technician National Examination (VTNE) or other national examination approved by the American Association of Veterinary State Boards or its designated test vendor or by the Board. If such a score is not available, the passing score shall be as reported by the Professional Examination Service or its designee, or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards or by the Board and shall be considered equal to or greater than one and five-tenths (1.5) standard deviation below the mean score of the examination.(—)~~

~~i. The VTNE or other national examination approved by the American Association of Veterinary State Boards or its designated test vendor or by the Board may have been taken at any time.(—)~~

~~ii. Scores for the VTNE or other national examination approved by the American Association of Veterinary State Boards or its designated test vendor or by the Board are to be provided to the Board by the Professional Examination Service or its designee or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards.(—)~~

~~d. A passing score for the jurisprudence examination, which should be ninety percent (90%) or such score as deemed appropriate by the Board. The jurisprudence examination, as prepared by the Board or its designee, may be taken more than once.(—)~~

~~e. A completed application, other required documents, and first year's certification fee in the amount established by the Board shall be received at the Board office by the first day of January or June. All application and certification fees are nonrefundable.(—)~~

~~101.—102.(Reserved)~~

103. 01. Supervising Veterinarians:;

~~01. **Statement of Purpose.** Veterinarians licensed under the provisions of Title 54, Chapter 21, Idaho Code, are responsible for all certified euthanasia technicians, certified veterinary technicians, veterinary assistants, or any others to whom they delegate the performance of acts pertaining to the practice of veterinary medicine.(—)~~

~~02. **A Supervising Veterinarian Shall:(—)**~~

~~a. Provide direct supervision for all procedures pertaining to the practice of veterinary medicine **that are delegated to a certified veterinary technician, an assistant, or any others** with the exception of:()~~

~~i. Routine procedures in the practice of veterinary technology **that include, but are not limited to, taking radiographs, weight and temperature, or as determined by the standard of practice for the area.** These routine procedures may be performed under **the** indirect supervision of the veterinarian.()~~

~~ii. Previously prescribed **antibiotics and medications and vaccines, which may be** administered, dispensed, and delivered under the indirect supervision of the veterinarian. **Previously prescribed antibiotics and medications** This does not include injectable controlled substances, injectable tranquilizers, injectable sedatives, and injectable or inhalant anesthetics, which may only be administered under the direct supervision of the veterinarian.()~~

~~iii. Emergency situations. **In these situations, in order to stabilize the animal, in which** the veterinarian, while en route to the location of the distressed animal, may prescribe treatment and delegate appropriate procedures **pertaining to the practice of veterinary medicine under indirect supervision.** ()~~

~~b. Be available to supervise and direct all procedures pertaining to the practice of veterinary medicine **that are delegated to others.**(—)~~

~~e. Bear legal responsibility for the health, safety and welfare of the animal patient **that the certified veterinary technician, assistant, or any others serves.**(—)~~

- ~~d.~~ Not delegate an animal health care task to an unqualified individual.(—)
- ~~e.~~ Make all decisions relating to the diagnosis, treatment, management, and future disposition of an animal patient. (—)
- ~~f.~~ ~~Have Examined~~ the animal patient prior to the delegation of any animal health care task ~~to a certified veterinary technician, or assistant.~~ The examination ~~of the animal patient~~ shall be conducted at such times as acceptable veterinary medical practice dictates, consistent with the particular delegated animal health care task.
()

~~g.~~ ~~Diagnose and perform operative dentistry, oral surgery, and teeth extraction procedures~~May delegate to a certified veterinary technician under direct supervision to perform tooth extraction procedures. Operative dentistry and oral surgery are considered to be any dental procedure which invades the hard or soft oral tissue including, but not limited to, a procedure that alters the structure of one (1) or more teeth or repairs damaged and diseased teeth, or the deliberate extraction of one (1) or more teeth. Operative dentistry and oral surgery do not include, removal of calculus, soft deposits, plaque, stains, floating to shape the teeth, or smoothing, filing or polishing of tooth surfaces above the gum line.(—)

~~03. Limitations on Supervising Veterinarians.~~ A supervising veterinarian shall not authorize a certified veterinary technician, an assistant, or anyone else, other than a licensed veterinarian to perform surgery, diagnosis, prognosis, prescribing, or operative dentistry/oral surgery.(—)

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300. DISCIPLINE.

01. Grounds For Discipline Of Veterinary Technicians.
In addition to the provisions of Section 54-2118, Idaho Code, ~~T~~the Board may refuse to issue, renew, or reinstate the certification of a veterinary technician, or may deny, revoke, suspend, sanction, place on probation, or require voluntary surrender of the certification of a veterinary technician, or may impose other forms of discipline, ~~take administrative action or other discipline against certified veterinary technicians, certified euthanasia agencies, or certified euthanasia technicians for any action that would otherwise constitute grounds for discipline for a veterinarian under any applicable provision under Section 54-2115, Idaho Code, or Section 54-2118, Idaho Code, and enter into consent agreements and negotiated settlements with certified veterinary technicians pursuant to the procedures set forth in Title 67, Chapter 52, Idaho Code, for provisions of Section 54-2115, Idaho Code, any of the following reasons:(—)~~

~~01. Unethical or Unprofessional Conduct.~~ Unethical or unprofessional conduct is conduct that includes, but is not limited to, any of the following:(—)

~~a.~~ Providing any procedure to an animal that constitutes the practice of veterinary medicine or veterinary technology and which has not been delegated by the supervising veterinarian, except in the case of an emergency as defined by Section 54-2103(16), Idaho Code;(—)

~~b.~~ Practicing veterinary technology in a manner that endangers the health and welfare of the patient or the public. A certified veterinary technician shall not practice veterinary technology if their ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance, or as a result of any mental or physical disability;(—)

~~e.~~ Gross ignorance, incompetence or inefficiency in the practice of veterinary technology as determined by, but not limited to, the practices generally and currently followed and accepted by persons certified to practice veterinary technology in Idaho and the current teaching at accredited programs in veterinary technology;
(—)

~~d.~~ Intentionally performing a duty, task, or procedure in the field of veterinary technology for which the individual is not qualified; or(—)

~~e.~~ Engaging in conduct of a character likely to deceive or defraud the public.(—)

~~**02. Conviction of a Charge or Crime.** Being found guilty, convicted, placed on probation, having entered a guilty plea that is accepted by the court, forfeiture of bail, bond or collateral deposited to secure a defendant's appearance, or having received a withheld judgment or suspended sentence by a court of competent jurisdiction in Idaho or any other state of one (1) or more of the following:(—)~~

~~**a.** Any felony, as defined by Title 18, Chapter 1, Idaho Code; or(—)~~

~~**b.** Any other criminal act that in any way is related to the practice of veterinary technology as defined by Section 54-2103(47), Idaho Code.(—)~~

~~**03. Medical Incompetence.** Medical incompetence in the practice of veterinary technology, which means lacking in sufficient medical knowledge or skills or both to a degree likely to endanger the health of patients.(—)~~

~~**04. Physical or Mental Incompetence.** Physical or mental incompetence, which means the individual's ability to practice veterinary technology with reasonable skill and safety is impaired by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals or any other substance, or as a result of any physical or mental disability.(—)~~

~~**05. Malpractice or Negligence.** Malpractice or negligence, in the practice of veterinary technology, which includes, but is not limited to:(—)~~

~~**a.** Treatment in a manner contrary to accepted practices in veterinary technology and with injurious results;(—)~~

~~**b.** Any professional misconduct or unreasonable lack of professional skill or fidelity in the performance of an act that is part of the practice of veterinary technology;(—)~~

~~**c.** Performance of an act that is part of the practice of veterinary technology without adequate supervision; except in the case of an emergency as defined by Section 54-2103(16), Idaho Code; or(—)~~

~~**d.** The negligent practice of veterinary technology, as determined by the standard of practice for the area, that results in injury, unnecessary suffering or death.(—)~~

~~**06. Cruelty to Animals.** Cruelty to animals, including, but not limited to, the intentional and malicious infliction of pain, physical suffering, injury or death, performance of experimental treatments without the owner's consent, deprivation of necessary sustenance, withholding of appropriate pain medications or levels of pain medications, or the administration of unnecessary procedures and treatment. Infliction of pain on any animal in self-defense, or to prevent physical harm to others, or in accordance with local custom and culture in moving, handling, treating, dehorning, castrating or performing other procedures on livestock, shall not be considered cruel or physically abusive unless done in an unnecessary or intentionally malicious manner. This provision does not alter Section 25-3514, Idaho Code.(—)~~

~~**07. Revocation, Suspension, Limitation or Subjection.** The revocation, suspension, limitation, or subjection of a license, certificate or registration or any other disciplinary action by another state or U.S. jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is licensed, certified or registered to practice veterinary technology in that state or jurisdiction on grounds other than nonpayment of the renewal fee.()~~

~~**08. Continuing Education.** Failure to comply with the continuing education requirements outlined by Board rules.(—)~~

~~**09. Failure to Cooperate.(—)**~~

~~**a.** Failure of any applicant or certificate holder to cooperate with the Board during any investigation, even if such investigation does not personally concern the applicant or certificate holder.(—)~~

~~b. Failure to comply with the terms of any order, negotiated settlement or probationary agreement of the Board. ()~~

~~e. Failure to comply with the terms for certification renewal or to timely pay certification renewal fees as specified by Section 010 of these rules. ()~~

~~10. **Violation of Law, Rules or Order.** Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation or conspiracy to violate any of the provisions of the veterinary law or rules or a written order of the Board issued pursuant to Title 54, Chapter 21, Idaho Code. ()~~

~~105.—149.(RESERVED)~~

~~150~~ **02. VALID Veterinarian/Client/Patient Relationship.**

~~An veterinarian shall establish a valid appropriate veterinarian/client/patient relationship. Such relationship will exist when: ()~~

~~01a. **Responsibility.** The veterinarian has assumed the responsibility for making medical judgements regarding the health of the animal and the need for medical treatment, and the client (owner or other caretaker) has followed the instructions of the veterinarian. ()~~

~~02b. **Medical Knowledge.** There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. ~~This means that the veterinarian has seen the animal within the last twelve (12) months or is personally acquainted with the keeping and care of the animal,~~ either by virtue of an examination of the animal, or by medically appropriate visits to the premises where the animals are maintained within a minimum of the last twelve (12) months. ()~~

~~03. **Availability.** The practicing veterinarian or designate is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy. ()~~

~~151. **UNPROFESSIONAL CONDUCT.**~~

~~Any violation of the Principles of the Veterinary Medical Ethics of the American Veterinary Medical Association, these rules, Chapter 21, Title 54, Idaho Code, constitutes unprofessional conduct. Unprofessional conduct includes, but is not limited to: ()~~

~~01. **Unsanitary Methods or Procedures.** Failure to apply sanitary methods or procedures in the treatment of any animal, contrary to Board rules. ()~~

~~02. **Association with Illegal Practitioners.** Includes, but is not limited to: ()~~

~~a. Having a professional relationship or connection with, lending one's name to, or otherwise aiding and abetting any illegal or unlicensed practice or practitioner of veterinary medicine and the various branches thereof; ()~~

~~b. Rendering professional service in association with a person who is not licensed; or ()~~

~~e. Sharing fees with any person, except a licensed veterinarian, for services actually performed. ()~~

~~03. **False Testimony.** Swearing falsely in any testimony or affidavits relating to, or in the course of, the practice of veterinary medicine, surgery or dentistry. ()~~

~~04. **Gross Ignorance, Incompetence or Inefficiency.** In determining gross ignorance, incompetence or inefficiency in the profession, the Board may take into account all relevant factors and practices including, but not limited to, the practices generally and currently followed and accepted by the persons licensed to practice veterinary medicine in Idaho, the current teaching at accredited veterinary schools, relevant technical reports published in recognized veterinary medical journals, and the desirability of reasonable experimentation in the furtherance of the~~

art of veterinary medicine.(—)

05. Improper Supervision. Includes, but is not limited to:(—)

a. Permitting, allowing, causing or directing any individual to perform a duty, task or procedure that they are not qualified to perform.(—)

b. Providing, permitting, allowing, causing or directing any individual to perform inadequate anesthetic monitoring. Evidence of this monitoring shall be documented in written form and contained within the medical record. (—)

06. Association with Others. Accepting fees from the providers of animal services or products when referring clients to such providers.(—)

152. CODE OF PROFESSIONAL CONDUCT.

The Board's code of professional conduct includes, but is not limited to, the following standards of conduct. A veterinarian shall:(—)

01. Veterinarian/Client/Patient Relationship. Not dispense or prescribe controlled substances, prescription or legend drugs except in the course of their professional practice and after a bona fide veterinarian/client/patient relationship as defined by Section 150 of these rules has been established.(—)

02. Health Certificate. Not issue a certificate of health unless they have personal knowledge by means of actual examination and appropriate testing of the animal that the animal meets the requirements for issuance of such a certificate.(—)

03. DEA and Controlled Substance Registration. Notify the Board of the suspension, revocation, or voluntary surrender of their federal Drug Enforcement Administration (DEA) registration and their state controlled substance registration.(—)

04. Ability to Practice. Not practice veterinary medicine as to endanger the health and welfare of their patients or the public. A veterinarian shall not practice veterinary medicine if their ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance or as a result of any mental or physical disability.(—)

05. Conflicting Interests. Not represent conflicting interests except by the express consent of all the parties after full disclosure of all the facts. A conflict of interest includes, but not be limited to, accepting a fee from a buyer to inspect an animal for soundness and accepting a fee from the seller.(—)

06. Confidentiality. Maintain a confidential relationship with their clients, except as otherwise provided by law or required by considerations related to public health and animal health.(—)

a. The information contained in veterinary medical records is considered confidential. It is unethical for a veterinarian to release this information except by court order or consent of the patient's owner or other caretaker at the time treatment was rendered.(—)

b. Without express permission of the practice owner, it is unethical for a veterinarian or certified veterinary technician to remove, copy, or use the medical records or any part of any record belonging to the practice or its owner for any purpose other than the business of the practice.(—)

07. Physical Abuse Patient. Not physically abuse a patient or fail to conform to the currently accepted standards of care in the veterinary profession for any animal under their care.(—)

0804. Preservation of Patient's Body. Where possible preserve for twenty-four (24) hours the body of any patient that dies while in the veterinarian's care until the owner can be contacted, except as otherwise provided by law. The time of contact or attempted contact with the owner shall be documented in the medical record. The veterinarian is allowed to use the usual manner of disposal if the owner has not made pick-up arrangements within

twenty-four (24) hours of the documented contact time.()

~~0905.~~ **Consent for Treatment or Transporting.** A veterinarian shall obtain written consent from a patient's owner or other caretaker before treating or transporting a patient to another facility for veterinary medical care or any other reason, unless circumstances qualifying as an emergency do not permit obtaining such consent.()

~~1006.~~ **Refusal to Render Services.** A veterinarian has Have the right to refuse to render veterinary medical services for any reason, or refuse an owner's request to euthanize a healthy or treatable animal.()

~~153200.~~ **STANDARDS OF PRACTICE STANDARDS.**

~~Veterinarians shall adhere to the standards of practice including, but not limited to:()~~

~~01. Practice Procedures.~~ A licensed veterinarian shall exercise at least the same degree of care, skill, and diligence in treating patients that is ordinarily used in the same or similar circumstances by members of the veterinary medical profession of similar training and experience in the community in which he practices.()

~~0207. Immunization.~~ When the primary objective is to protect the patient's health and a professionally acceptable immunization procedure is being sought, an examination of the animal by the veterinarian is required prior to each and every immunization procedure, unless the animal has been examined within the last ninety (90) days twelve (12) months, except in the practice of large animal medicine where mass immunizations of animal herds is involved or when immunization is performed by the patient's owner. For the purpose of this subsection, the definition of "owner" in addition to ownership as defined by the laws of the ownership of property, non-profit organizations dedicated to the care and treatment of animals is considered the owners of animals in their custody if such organizations are the primary care giver for the animal or if the true owner of such animal cannot be immediately determined.()

~~03. Relationship.~~ A veterinarian shall establish a valid veterinarian/client/patient relationship prior to dispensing, using, prescribing, or selling any controlled substance or legend drug, or the prescribing of an extra-label use of any drug. ()

~~04. Dispense and Distribute in Good Faith.~~ A veterinarian dispensing or distributing any drug or medicine will dispense or distribute such drug or medicine in good faith, within the context of a valid veterinarian/client/patient relationship and will, except in the case of any drugs and medicines that are in containers that bear a label of the manufacturer with information describing their contents and that are labeled indicating:()

- ~~a.~~ The date on which such drug is dispensed;()
- ~~b.~~ The name of the owner and patient;()
- ~~c.~~ The name or initials of the person dispensing such drug;()
- ~~d.~~ Directions for use, including dosage and quantity; and()
- ~~e.~~ The proprietary or generic name of the drug.()

~~05. Anesthesia Standards.~~ All anesthetized animals shall be appropriately monitored and under supervision. ()

~~154 03.~~ **Record Keeping STANDARDS.**

Every veterinarian shall maintain detailed daily medical records of the animals treated. Medical records shall include, at a minimum: the name, address, and phone number of the animal's owner or other caretaker; the name and description, sex (if readily determinable), breed, and age of the animal, or description of the group; dates (beginning and ending of custody of the animal; a short history of the animal's condition as it pertains to the animal's condition and diagnosis suspected; all medications, treatments, prescriptions, or prophylaxis given, including amount, frequency, and route of administration for both inpatient and outpatient care; diagnostic and laboratory tests or techniques utilized, and results of each; written documented evidence of continuous monitoring of all anesthetized

animals. Records shall be readily retrievable to be inspected, duplicated, or submitted when requested by the Board. All records shall be safeguarded against loss, defacement, tampering, and use by unauthorized personnel. If changes are made to any records the records must clearly reflect what the change is, who made the change, when the change was made, and why. Records shall be maintained for a period of three (3) years following the last treatment or examination. Patient medical records shall be maintained for every animal accepted and treated as an individual patient by a veterinarian, or for every animal group (for example, herd, litter, and flock) treated by a veterinarian.()

- ~~01. **Medical Records.** Medical records shall include, but not be limited to:()~~
- ~~a. Name, address and phone number of the animal's owner or other caretaker.()~~
 - ~~b. Name and description, sex (if readily determinable), breed and age of animal; or description of group.()~~
 - ~~c. Dates (beginning and ending) of custody of the animal.()~~
 - ~~d. A short history of the animal's condition as it pertains to the animal's medical status.()~~
 - ~~e. Results and notation of each examination, including the animal's condition and diagnosis suspected.()~~
 - ~~f. All medications, treatments, prescriptions or prophylaxis given, including amount, frequency, and route of administration for both inpatient and outpatient care.()~~
 - ~~g. Diagnostic and laboratory tests or techniques utilized, and results of each.()~~
 - ~~h. All anesthetized animals shall be appropriately monitored and under supervision at all times. Evidence of this monitoring shall be documented in writing in the medical record.()~~

~~02. **Consent Forms.** Consent forms, signed by the patient's owner or other legal caretaker for each surgical or anesthesia procedure requiring hospitalization or euthanasia, shall be obtained, except in emergency situations, for each animal and be maintained on file with the practitioner.()~~

~~03. **Postoperative Instructions.** Postoperative home care instructions shall be provided in writing and be noted in the medical record.()~~

~~04. **Treatment Records.** Veterinarians who practice with other veterinarians shall indicate by recognizable means on each patient's or animal group's medical record any treatment the veterinarian personally performed and which treatments and procedures were delegated to a technician or assistant to perform. The patient's record must also include a notation indicating when the animal was handed off to another veterinarian or a treatment or procedure delegated to a technician or assistant along with a summary of the animal's condition and diagnosis at the time of the hand-off.()~~

0509. Ownership of Medical Records. Medical records including diagnostic images are the personal property of the hospital or the proprietor of the practice that prepares them. Other veterinarians, including those providing subsequent health needs for a patient, and the patient's owner may receive a copy of the patient's medical record, upon the request of the patient's owner or other caretaker. A diagnostic image shall be released upon the request of another veterinarian who has the authorization of the owner of the animal or to the Board. Records shall be supplied within three (3) business days, counting the day of the request if a business day and shall be returned within a reasonable time to the veterinarian who originally ordered them prepared.()

~~06. **Diagnostic Image Identification and Ownership.** All diagnostic images shall be labeled in the emulsion film or digitally imprinted to identify the veterinarian or premise, the patient, the owner, the date, and anatomical orientation. A diagnostic image is the physical property of the hospital or the proprietor of the practice that prepares it, and it shall be released upon the request of another veterinarian who has the authorization of the owner of the animal to whom it pertains or to the Board. Such diagnostic images shall be returned within a reasonable~~

time to the veterinarian who originally ordered them to be prepared. ()

- 07. Estimates.** A veterinarian shall make available to each client a written estimate on request.
()

155. — 199. (Reserved)

200. COMMITTEE ON HUMANE EUTHANASIA:

Pursuant to Section 54-2105(8), Idaho Code, a Committee on Humane Euthanasia (COHE) is established and consists of no fewer than five (5) members appointed by the Board. At its discretion, the Board may appoint itself as the COHE. New members will be nominated by either the Board or the COHE and be confirmed by the Board. Applicants for a COHE position shall be certified euthanasia technicians (CETs) and employed by a certified euthanasia agency or be a veterinarian ()

01. Term. Each member may serve for three (3) years, at the pleasure of the Board. A COHE member may be eligible for reappointment. If there is a vacancy for any cause, the COHE or the Board shall nominate and confirm a successor to fill the unexpired term. ()

02. Duties. The duties of COHE members include, but are not limited to, the following: ()

- a.** Coordinate and provide euthanasia training classes as needed. ()
- b.** Inspect and certify agencies. ()
- c.** Review the applications, records, performance, methods and procedures used by agencies and persons seeking to be certified or to renew their certification as a Certified Euthanasia Agency (CEA) or Certified Euthanasia Technician (CET). ()
- d.** Conduct written and practical examinations for applicants applying for certification and authorize certification through the Board. ()
- e.** Recommend suspension or revocation of a certification when necessary. ()

201. METHODS OF EUTHANASIA AND PRE-EUTHANASIA SEDATION:

Methods approved by the COHE and used for the purpose of humanely euthanizing and sedating sick, homeless, or unwanted pets and animals: ()

01. Euthanasia Drugs. Any Schedule II non-narcotic or Schedule III non-narcotic euthanasia drug covered by the Controlled Substances Act that has first been approved in writing by the COHE and the Board. A list of approved euthanasia drugs is on file at the Board office. ()

02. Pre-Euthanasia Sedation Drugs. Any Schedule III or Schedule IV narcotic or non-narcotic controlled substance as defined by the Controlled Substances Act, or other legend drugs that have been approved for use by CEAs or CETs at a CEA facility. Such pre-euthanasia sedation drugs shall be limited to those approved in writing by the COHE and the Board. A list of approved pre-euthanasia sedation drugs is on file at the Board office.
()

202 08. Procurement And Administration Of Approved Euthanasia Drugs.

In order for a certified euthanasia agency to obtain approved drugs for euthanizing animals and a certified euthanasia technician to administer such drugs, the following procedure shall be followed: ()

01a. DEA Registration. A certified euthanasia agency (CEA) shall appoint a person who will be responsible for ordering the approved drugs and who shall submit an application for the agency's registration as a Euthanasia Agency Practitioner A.S. to the Drug Enforcement Agency (DEA). The CEA shall also designate a certified euthanasia technician (CET) who will be responsible for the security of the agency's approved drugs.
()

~~02b. **Controlled Substance Registration.** Each CET employed by the agency shall apply for a controlled substance registration from the Idaho Board of Pharmacy under their individual name and using the CEA's DEA registration number.()~~

~~03. **Purchase of Approved Drugs.** After the certified euthanasia agency has received a DEA registration number and the CETs at that agency have received their Idaho Board of Pharmacy controlled substance registrations, the designated individual for the agency may on behalf of the agency purchase approved drugs for storage at the CEA location. Approved drugs shall only be obtained from a drug wholesaler.()~~

~~04. **Administration of Approved Drugs.** Certified euthanasia technicians employed by certified euthanasia agencies and registered with the Idaho Board of Pharmacy may perform euthanasia by the administration of approved drugs.()~~

203. (Reserved)

204 03. Certified Euthanasia Agency.

A certified euthanasia agency is a law enforcement agency, an animal control agency, a humane society, or an animal shelter that has been inspected and certified by the COHE or the Board, Section 54-2103(8), Idaho Code. In order to be certified to purchase and store approved drugs, certified euthanasia agencies shall be inspected by the ~~COHE or the Board~~ in accordance with the standards promulgated by the Committee on Humane Euthanasia and approved by the Board. The approved standards will be made available online to the public, and shall meet the following criteria:()

~~01. **Approved Drugs.**()~~

~~a. Each agency will maintain a current written list of CET(s).()~~

~~b. Access to the approved drugs in a locked drug storage cabinet will be limited to licensed veterinary supervisors and assigned CET. Such persons will be responsible for the security of the approved drugs and allow withdrawal of the approved drugs only to a person certified by the Board and registered with the Idaho Board of Pharmacy to administer such drugs.()~~

~~c. All approved drugs shall be prepared according to the manufacturer's instructions.()~~

~~d. Needles and syringes will be of medical quality and will not be reused.()~~

~~02. **Proper Labeling.** Upon removal from the shipment carton, each individual container of an approved drug will be labeled with the drug name and strength, the date the drug was prepared, a drug hazard warning label and the name and address of the agency owning the drug.()~~

~~03. **Temporary Storage.** When a CET is on duty and when animals are being euthanized throughout the workday, approved drugs may be kept in a temporary locked drug storage cabinet. The key to this cabinet shall be secured by a licensed veterinary supervisor or the lead CET designated on the DEA controlled substance registration, and made available to the CET(s) performing euthanasia that day.()~~

~~04. **Record Keeping.** Proper record keeping of approved drugs shall include the following:()~~

~~a. Shipment records showing receipt of the approved drugs shall be maintained and include all information required by federal law, the date the shipment was received, the amount, the source, and the invoice number.()~~

~~b. Administration records showing the date an approved drug was:()~~

~~i. Administered;()~~

~~ii. Weight and species of animal;()~~

- ~~iii. Dosage of each drug administered for pre-ethanasia sedation, euthanasia, and remote chemical capture restraint; (——)~~
- ~~iv. Identification of the person who dispensed the approved drugs; and, if applicable; (——)~~
- ~~v. Identification of the veterinarian or CET who supervised the dispensing shall be maintained. (——)~~
- ~~e. Records of wastage shall be maintained and signed by the CET administering the approved drug and the CET responsible for security. (——)~~
- ~~d. A weekly record of the approved drugs on hand, minus the amounts withdrawn for administration, signed by the CET responsible for security. (——)~~
- ~~e. Disposal records of any expired or unwanted approved drugs shall be maintained. (——)~~
- ~~f. All records shall be filed in chronological order in a binder that is labeled with the name of the agency and be kept for a period of three (3) years. (——)~~
- ~~05. **Proper Sanitation.** The euthanasia area shall be clean and regularly disinfected. (——)~~
- ~~06. **Other Site Conditions.** (——)~~
- ~~a. Each agency shall have a specific area designated for euthanasia that is a separate room or area that is not used for any other purpose while animals are being euthanized. (——)~~
- ~~b. The euthanasia area shall have a table or other work area where animals can be handled, and a cabinet, table or work bench where the drugs, needles, syringes and clippers can be placed. (——)~~
- ~~e. The following items and materials shall either be kept in the euthanasia area or brought to the area each time an animal is euthanized: (——)~~
 - ~~i. A first aid kit that meets minimum first aid supply standards; (——)~~
 - ~~ii. One (1) or more tourniquets; (——)~~
 - ~~iii. Standard electric clippers with No. 40 blade; (——)~~
 - ~~iv. Animal control stick for dogs and animal net for cats (if the agency handles cats); (——)~~
 - ~~v. Stethoscope; (——)~~
 - ~~vi. Disinfectant. (——)~~
 - ~~vii. The current certification cards for the CEA and all CETs working at the CEA, which shall be kept together. The CEA is strongly encouraged to keep all DEA and Idaho Board of Pharmacy registration cards together with the certification cards. (——)~~
- ~~d. All equipment shall be in good working order. (——)~~
- ~~07. **Equipment Stored.** All equipment shall be stored so that it does not create a safety hazard for the personnel. (——)~~
- ~~08. **Certification Renewal.** Certifications may be renewed upon successful completion of a facility inspection by a COHE member, a member of the Board or other individual appointed by the COHE and payment of the annual renewal fee. (——)~~

205 04. Certified Euthanasia Technician.

~~01.a.~~ Training and Examinations. Qualifying training courses must be sponsored by or affiliated with a veterinary medicine school accredited by the AVMA or be approved by the Board.~~The COHE or the Board will develop training sessions, materials, and a written examination.(—)~~

~~02. Certification Standards.~~ Applicants for certification as a CET shall be eighteen (18) years of age or older and demonstrate proficiency in compliance with the following standards:(—)

~~a. Demonstrate competency in euthanasia techniques in the presence of a COHE or Board member, or a person approved by the Board:(—)~~

~~i. CETs are fully responsible for all actions that take place in the euthanasia area when an animal is brought to the area including, but not limited to, animal handling, use of the proper restraint technique, the proper drug dosage, and drug handling:(—)~~

~~ii. CETs shall be able to competently perform intravenous injections on dogs and intraperitoneal injections on both dogs and cats. Intravenous injections on cats shall not be required as part of the certification process, but when performed, meet the standards listed in Subparagraph 205.02.a.ii.(1) of these rules. Intracardiac injections on dogs and cats shall not be required as part of the certification process, but when performed, are restricted to the limitations listed in Subparagraph 205.02.a.ii.(3) of these rules.(—)~~

~~(1) Intravenous Injections: The CET shall be able to competently insert the needle into an animal's vein when an animal is injected by this method. A minimum of two (2) people shall be required for any IV injection. One (1) person shall be a CET and one (1) or more people shall be the handler. The handler does not need to be a CET, but the handler should be trained in human safety and animal handling techniques:(—)~~

~~(2) Intraperitoneal Injections: The CET shall be able to competently insert the needle into the proper area of the peritoneal cavity when an animal is injected by this method. It is recommended that animals injected by this method be placed into a cage or carrier with no other animals. The cage or carrier shall be covered with cloth or other material that can keep the injected animal isolated from the normal activities in the euthanasia area. Intraperitoneal injections may be administered by a CET without a handler.(—)~~

~~(3) Intracardiac Injections: Intracardiac injection shall be performed only on an anesthetized animal. CETs shall be able to competently insert the needle into the heart of an anesthetized animal, and intracardiac injections may be administered by a CET without a handler.(—)~~

~~iii. No other euthanasia injection procedures are permitted in any type of animal with the exception of intramuscular and subcutaneous injections for pre-euthanasia sedation:(—)~~

~~iv. Oral administration of approved euthanasia drugs is permitted for any animal that cannot be captured or restrained without serious danger to human safety:(—)~~

~~b. Demonstrate proper record keeping. A record of all approved drugs received and used by the agency shall be kept containing the following information:(—)~~

~~i. A weekly verification of the drug stock on hand, minus the amounts withdrawn for administration, signed by the CET responsible for security:(—)~~

~~ii. An entry of the date that a new bottle of any approved drug is opened and the volume of the bottle, signed by the CET responsible for security:(—)~~

~~iii. The species and approximate weight of each animal administered a drug:(—)~~

~~iv. The amount of the drug that was administered:(—)~~

~~v. The date the drug was administered:(—)~~

- ~~vi. The signature of the CET who administered the drug;(——)~~
- ~~vii. A record of the amount of the drug wasted, if any, signed by the CET administering the drug and the CET responsible for security; and(——)~~
- ~~viii. A record of any disposal of expired or unwanted approved drugs, other chemical agent or the containers, instruments and equipment used in their administration, signed by the CET and disposed of in accordance with the Idaho Board of Pharmacy law and rules and the Code of Federal Regulations.(——)~~
- ~~e. Demonstrate understanding and concern for the needs and humane treatment of individual animals:
(——)~~
 - ~~i. All animals shall be handled in a manner that minimizes stress to the animal and maximizes the personal safety of the CET and the handler. Each animal shall be handled with the least amount of restraint necessary, but human safety is always the primary concern. Handling includes all aspects of moving an animal from one (1) area to another;(——)~~
 - ~~ii. The use of control sticks and other similar devices shall be limited to fractious or potentially dangerous animals; and(——)~~
 - ~~iii. Animals shall not be placed in cages or kennels with other breeds or species that are incompatible with the animal in question or be overcrowded in a cage or kennel.(——)~~
 - ~~d. Demonstrate ability to verify death. The animal should become unconscious and show terminal signs within sixty (60) minutes of drug administration. If any animal does not show any of these signs within the designated time period, the CET shall re-administer the drug. An animal that has received an approved drug orally may be injected with the same or another approved drug after it has become unconscious. Verification is the responsibility of the CET and shall be made by physical examination of the individual animal. One (1) of the following two (2) standards for death shall be met:(——)~~
 - ~~i. Rigor mortis; or(——)~~
 - ~~ii. Complete lack of heartbeat (as checked with a stethoscope), complete lack of respiration, and complete lack of corneal and palpebral reflexes.(——)~~
- ~~**03. Certification.(——)**~~
 - ~~a. An individual shall not be certified as a CET until such time as he has successfully passed a euthanasia written examination, a practical or clinical examination, and an Idaho euthanasia jurisprudence examination. (——)~~
 - ~~b. The practical examination will test the individual's knowledge and skills in the hands-on application of euthanasia procedures and practices in a clinical setting under the direction of a COHE member, a Board member, or a designee of either the COHE or Board. The Idaho euthanasia jurisprudence examination (which can either be a separate written test or combined with the euthanasia written examination) will be an examination testing the individual's understanding of Idaho laws and Board rules addressing the practice of euthanasia. Both the euthanasia written examination and the euthanasia jurisprudence examination will be developed by the Board, the COHE, or a designee of either the Board or the COHE.(——)~~
 - ~~e. A passing score for the euthanasia written examination is eighty percent (80%), or such other score as deemed appropriate by the Board or the COHE. A passing score for the euthanasia jurisprudence examination is ninety percent (90%), or such other score as deemed appropriate by the Board or the COHE. A failed euthanasia jurisprudence examination may be retaken multiple times upon making arrangements acceptable to the Board.(——)~~

~~d. Initial certification and certification renewal training sessions and examinations will be conducted at least once per year prior to July 1, and at such other times deemed necessary by the COHE, the Board, or a designee of either the COHE or the Board. Upon approval of the Board, a COHE member, or the designee of either the Board or the COHE, an individual may take the euthanasia written examination, the practical examination, and the euthanasia jurisprudence examination in any order.(—)~~

~~e. An individual who has passed the written examination, but has not attended a training session and has not passed the practical examination, may serve as a probationary euthanasia technician under the direct supervision of a currently certified CET until such time as the next training course, practical examination and certification are conducted by a COHE member, a Board member, or the designee of either the COHE or the Board.
(—)~~

~~f. An individual who has not passed the written examination may not serve as a euthanasia technician.
(—)~~

~~g. An individual who attends a training session and passes the written examination but fails the practical examination may serve on probation until he has been re-examined. If the individual fails to pass the practical examination a second time and wishes to apply again, the individual shall attend the next regular training session and written examination.(—)~~

~~h. Upon termination from an agency as defined in Section 204 of these rules, a CET's certification immediately becomes invalid and the CET shall not perform animal euthanasia until employed by another certified euthanasia agency, at which time the certification may be reinstated.(—)~~

~~i. The agency shall notify the Board office in writing within thirty (30) days from the date the CET's employment at that agency is terminated.(—)~~

~~j. If a CET is employed again by a CEA prior to the expiration of their certification, the CEA employer may request reinstatement of the CET's certification. If a CET has not attended a euthanasia training in the three (3) year period preceding recertification, the CET may not be recertified and will need to reapply for certification, at COHE discretion.(—)~~

~~k. All certifications expire on July 1 of each year.(—)~~

~~04. **Certification Renewal.** Certifications may be renewed each year by payment of the annual renewal fee, provided that, every third year following the date of certification, the CET will need to attend a euthanasia training and pay the current training and certification fee prescribed by Section 014 of these rules.
(—)~~

~~05. **Duties.** The duties of a CET include, but are not limited to:(—)~~

~~a. Preparing animals for euthanasia;(—)~~

~~b. Accurately recording the dosages for drugs that are administered and amounts for drugs wasted;
(—)~~

~~e. Ordering supplies;(—)~~

~~d. Maintaining the security of all controlled substances and other approved drugs;(—)~~

~~e. Directly supervising probationary CET;(—)~~

~~f. Reporting to the Board violations or suspicions of a violation of these rules or any abuse of drugs;
(—)~~

~~g. Humanely euthanizing animals; and(—)~~

~~h. Proper and lawful disposal of euthanized animals and expired or unwanted drugs, other chemical agent or the containers, instruments and equipment used in the administration of approved drugs.(—)~~

~~206. Grounds For Discipline—CEAs And CETs.~~

~~The Board may refuse to issue, renew, or reinstate the certification of a CEA or CET, or may deny, revoke, suspend, sanction, place on probation, or require voluntary surrender of the certification of a CEA or CET, impose other forms of discipline, and enter into consent agreements and negotiated settlements with CEAs and CETs pursuant to the procedures set forth in Title 67, Chapter 52, Idaho Code, for any of the following reasons:(—)~~

~~01. **Failure to Carry Out Duties.** Failure to carry out the duties of a CEA or CET.(—)~~

~~02. **Abuse of Chemical Substances.** Abuse of any chemical substance by:(—)~~

~~a. Selling or giving chemical substances away; or(—)~~

~~b. Stealing chemical substances; or(—)~~

~~e. The diversion or use of any chemical substances for other than legitimate euthanasia purposes; or (—)~~

~~d. Abetting anyone in the foregoing activities.(—)~~

~~03. **Euthanizing of Animals Without Proper Supervision.** Allowing uncertified individuals or probationary CETs to euthanize animals or personally euthanizing animals without proper supervision.(—)~~

~~04. **Administration of Approved Drugs Without Proper Supervision.** Allowing uncertified individuals or probationary CETs to administer approved drugs or personally administering approved drugs without proper supervision.(—)~~

~~05. **Euthanizing of Animals Without Proper Certification.** Allowing individuals or probationary CETs to euthanize animals or personally euthanizing animals without being properly certified to do so.(—)~~

~~06. **Fraud, Misrepresentation, or Deception.** The employment of fraud, misrepresentation of a material fact, or deception by an applicant or certificate holder in securing or attempting to secure the issuance or renewal of a certificate.(—)~~

~~07. **Unethical or Unprofessional Conduct.** Unethical or unprofessional conduct means to knowingly engage in conduct of a character likely to deceive or defraud the public and includes, but is not limited to:(—)~~

~~a. Working in conjunction with any agency or person illegally practicing as a CEA or CET; (—)~~

~~(—) b. Failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal;~~

~~e. Euthanizing animals in a manner that endangers the health and welfare of the public. A CET shall not euthanize animals if their ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance or as a result of any mental or physical disability;(—)~~

~~d. Gross ignorance, incompetence or inefficiency in the euthanizing of animals as determined by, but not limited to, the practices generally and currently followed and accepted by persons certified to practice as CETs in Idaho; (—)~~

~~e. Intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not qualified; and(—)~~

- ~~f. Swearing falsely in any testimony or affidavits relating to practicing as a CEA or CET.(—)~~
- ~~08. **Conviction of Violating Any Federal or State Statute, Rule or Regulation.** Conviction of a charge of violating any federal or state statute or rule or regulation regulating narcotics, dangerous drugs or controlled substances.(—)~~
- ~~09. **Conviction of a Charge or Crime.** Being found guilty, convicted, placed on probation, having entered a guilty plea that is accepted by the court, forfeiture of bail, bond or collateral deposited to secure a defendant's appearance, or having received a withheld judgment or suspended sentence by a court of competent jurisdiction in Idaho or any other state of one (1) or more of the following:(—)~~
- ~~a. Any felony, as defined by Title 18, Chapter 1, Idaho Code; or(—)~~
- ~~b. Any crime constituting or having as an element the abuse of any drug, including alcohol.(—)~~
- ~~e. Any other criminal act that in any way is related to practicing as a CEA or CET as defined by Section 54-2103(8) and (9), Idaho Code.(—)~~
- ~~10. **Improper Record Keeping.** Failure to follow proper record keeping procedures as outlined in Board rules.(—)~~
- ~~11. **Improper Security for Approved Drugs.** Failure to provide and maintain proper security for approved euthanasia and restraint drugs as outlined in Board rules.(—)~~
- ~~12. **Improper Storage of Equipment and Approved Drugs.** Failure to properly store equipment or approved drugs as outlined in Board rules.(—)~~
- ~~13. **Improper Disposal of Approved Drugs and Equipment.** Failure to properly dispose of approved drugs and the containers, instruments and equipment used in their administration as outlined in Board rules.(—)~~
- ~~14. **Improper Labeling of Approved Drugs.** Failure to properly label approved euthanasia and restraint drugs as outlined by Board rules.(—)~~
- ~~15. **Revocation, Suspension, Limitation or Restriction.** The revocation, suspension, limitation, or restriction of a license, certificate or registration or any other disciplinary action by another state or U.S. jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is licensed, certified or registered to practice as a CEA or CET in that state or jurisdiction on grounds other than nonpayment of the renewal fee.(—)~~
- ~~16. **Failure to Cooperate.**(—)~~
- ~~a. Failure of any applicant or certificate holder to cooperate with the Board during any investigation, even if such investigation does not personally concern the applicant or certificate holder; or(—)~~
- ~~b. Failure to comply with the terms of any order, negotiated settlement, or probationary agreement of the Board; or(—)~~
- ~~e. Failure to comply with the terms for certification renewal or to timely pay certification renewal fees.(—)~~
- ~~17. **Aiding and Abetting.** Knowingly aiding or abetting an uncertified agency or person to practice as a CEA or CET.(—)~~
- ~~18. **Current Certification.** Practicing as a CEA or CET without a current certification.(—)~~
- ~~19. **Improper Drug Preparation.** Preparing approved drugs, contrary to manufacturer's instructions.(—)~~

~~20. **Violation of any Law, Rules or Orders.** Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation or conspiracy to violate any provisions of the veterinary law and rules or a written order of the Board issued pursuant to Title 54, Chapter 21, Idaho Code, the Idaho Board of Pharmacy law and rules, or the Code of Federal Regulations.(—)~~

~~207. **INSPECTION DEFICIENCIES.**~~

~~If there are inspection deficiencies with either a CEA or CET, a COHE member or the Board will document in writing areas for correction. The CEA or CET, or both, shall make corrections within the time period specified in the notice of deficiency, and correction will be verified by a COHE or Board member as recorded on the deficiency documentation. If the deficiency has not been corrected, the certification may be revoked by the Board, and the Idaho Board of Pharmacy will be notified.(—)~~

~~208. **999.(RESERVED)**~~

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Division of Occupational and Professional Licenses

Agency Contact: Michael Hyde **Phone:** (208) 332-7133

Date: 8/4/2023

IDAPA, Chapter and Title Number and Chapter Name:

24.38.01 – Rules of the State of Idaho Board of Veterinary Medicine

Fee Rule Status: x **Proposed** **Temporary**

Rulemaking Docket Number: 24-3801-2301

STATEMENT OF ECONOMIC IMPACT: This rulemaking does not impose a new fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

The following is a specific description of the fees or charges:

400. FEES.

	New	Active Renewal	Inactive Renewal	Late/ Reinstatement	Inactive to Active Fee
Veterinary License	\$275	\$175	\$50	\$200	\$150
Certified Veterinary Technician	\$125	\$75	\$25	\$50	\$50
Certified Euthanasia Agency	\$100	\$200	-	\$50	-
Certified Euthanasia Technician	\$100	\$100	-	\$50	-
Duplicate Wall License Certificate	\$25	-	-	-	-
Veterinary License Verification	\$20	-	-	-	-

INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

IDAPA 24 – Division of Occupational and Professional Licenses

24.38.01 – Rules of the State of Idaho Board of Veterinary Medicine

Proposed Rulemaking - Docket No. 24-3801-2301

The proposed rulemaking adopts and incorporates the current version of the *Principles of Veterinary Medical Ethics*, published by the American Veterinary Medical Association (AVMA). The current rules incorporate this same ethical code.